

# EXHIBIT A

## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

# If you purchased any Pork product directly from a Pork producer for use or delivery in the United States from January 1, 2009, through January 12, 2021, you may be eligible to receive benefits from class action settlements.

*A federal court authorized this notice. This is not a solicitation from a lawyer.*

- Two settlements have been finally approved in a class action antitrust lawsuit filed on behalf of Direct Purchasers of Pork in the United States with Defendants Smithfield Foods, Inc. (“Smithfield”) and JBS USA Food Company, JBS USA Food Company Holdings, and Swift Pork Company (collectively, “JBS”) and their related or affiliated entities (collectively “Settled Defendants”). The final approved amount of the JBS settlement is \$24,500,000 and the Smithfield settlement is \$77,364,300. The total for both settlements is \$101,864,300 (the “Settlement Proceeds”).
- The Settlements with JBS and Smithfield have been given final approval by the Court and the deadline to object or opt out of these Settlements has passed. This notice informs Settlement Class Members how to make a claim to receive money from the JBS and Smithfield Settlements. Please follow the claims instructions in this notice and the attached Claim Form to receive money from the Settlements.
- The Direct Purchaser Class Representatives and Interim Co-Lead Counsel will ask the Court to award an interim payment of attorneys’ fees, reimbursement of litigation expenses, and service awards for the Class Representatives. If approved by the Court, these amounts will be deducted from the Settlement Proceeds.
- Your legal rights are affected whether you act or do not act. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS FOR THE SETTLEMENTS	
<b>FILE A CLAIM TO RECEIVE MONEY FROM THE SETTLEMENTS.</b>	<p>In order to receive money from the Settlements you must submit a Claim Form by <b>                    , 2022</b>. If you are confirmed to be a Settlement Class Member and file a valid Claim Form, you will be eligible to receive a payment from the Settlement Proceeds.</p> <p>Instructions for filing a claim are available in Question 7 of this notice, on the Claim Form, and at the Settlement Website <a href="http://www.porkantitrustlitigation.com">www.porkantitrustlitigation.com</a>.</p>
<b>COMMENT ON THE MOTION FOR INTERIM PAYMENT OF ATTORNEYS’ FEES, REIMBURSEMENT OF LITIGATION EXPENSES, AND SERVICE AWARDS.</b>	<p>The motion for interim payment of attorneys’ fees, reimbursement of litigation expenses, and service awards is described in more detail in the answer to Question 11 below, and will be filed on or before <b>                    , 2022</b>, and available on the Settlement Website, <a href="http://www.porkantitrustlitigation.com">www.porkantitrustlitigation.com</a>. Your deadline to comment on or object to the motion is <b>                    , 2022</b>.</p>
<b>DO NOTHING.</b>	<p>If you do not file a claim as described above and in Question 7, you will receive no payment from the Settlements with any of the Settled Defendants.</p>

- Your options are explained in this notice. To file a claim, you must act before **, 2022**.

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## BASIC INFORMATION

### 1. Why did I receive a notice?

The Court authorized this notice because it has approved a process for Settlement Class Members of the JBS and Smithfield Settlements to file claims and receive their *pro rata* portion of the Settlement Proceeds. You are also being notified that Direct Purchaser Plaintiff (“DPP”) Class Representatives and Interim Co-Lead Counsel will be filing a motion for interim payment of attorneys’ fees, reimbursement of litigation expenses, and class representative service awards. If approved by the Court, these amounts will be deducted from the Settlement Proceeds.

Defendants’ records show that you may have purchased Pork products directly from one or more of the Defendants for use or delivery in the United States between January 1, 2009, and January 12, 2021. The list of Defendants is in Question 2 below.

### 2. What is this lawsuit about?

This class action is called *In re Pork Antitrust Litigation*, D. Minn. Case No. 0:18-cv-01776 and is pending in the United States District Court for the District of Minnesota. U.S. District Court Judge John R. Tunheim is in charge of this class action.

Direct Purchaser Plaintiffs allege that Defendants and their co-conspirators conspired and combined to fix, raise, maintain, and stabilize the price of Pork products, beginning at least as early as January 1, 2009, with the intent and expected result of increasing prices of Pork products in the United States, in violation of federal antitrust laws.

The Defendants named in Direct Purchaser Plaintiffs’ Third Consolidated Amended Complaint are producers of Pork products in the United States, as well as Agri Stats, Inc. In this notice, “Defendants” refers to JBS USA Food Company, JBS USA Food Company Holdings, Clemens Food Group, LLC, The Clemens Family Corporation, Hormel Foods Corporation, Indiana Packers Corporation, Seaboard Foods LLC, Smithfield Foods, Inc., Triumph Foods, LLC, Tyson Foods, Inc., Tyson Prepared Foods, Inc., Tyson Fresh Meats, Inc., and Agri Stats, Inc.<sup>1</sup>

To date, Direct Purchaser Plaintiffs have reached settlements with Defendants JBS and Smithfield. The Court granted final approval to the JBS settlement on July 27, 2021, and the Smithfield settlement on January 31, 2022. The Direct Purchasers’ case is proceeding against all other Defendants besides JBS and Smithfield. Those other Defendants may be subject to separate settlements, judgments, or class certification orders. If applicable, you will receive a separate notice regarding the progress of the litigation and any resolution of claims against other Defendants.

### 3. What if I received previous communications regarding this lawsuit?

Notices were previously sent informing potential direct purchaser Settlement Class Members of the JBS and Smithfield Settlements. The Settlements with JBS and Smithfield have been given final approval by the Court and the deadline to object or opt out of these Settlements has passed.

If you are a Direct Purchaser Settlement Class Member and you did not opt out of the Settlements, you must submit a Claim Form by                     , 2022 to receive money from the Settlements. Instructions for filing a claim are available in Question 7 of this notice, on the Claim Form, and at the Settlement Website, [www.porkantitrustlitigation.com](http://www.porkantitrustlitigation.com).

## WHO IS IN THE CLASS?

### 4. Am I part of the Class?

The Court decided that, for settlement purposes, members of the Settlement Class for the JBS and Smithfield Settlements are defined as:

<sup>1</sup> The Court dismissed Indiana Packers Corporation from this lawsuit with prejudice, but if you purchased Pork directly from Indiana Packers between January 1, 2009, and January 12, 2021, you may be a member of the Settlement Class, and any purchases from Indiana Packers may be included in your claim.

All persons who purchased Pork directly from any of the Defendants or any co-conspirator, or their respective subsidiaries or affiliates for use or delivery in the United States from January 1, 2009, through January 12, 2021.

Specifically excluded from the Settlement Class are the Defendants; the officers, directors, or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir, or assign of any Defendant. Also excluded from the Settlement Class are any federal, state, or local governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, and any juror assigned to this action. If you are in one of these categories, you are not a member of the Settlement Class and not eligible to participate in the Settlements.

If you satisfy these criteria and you did not file a timely and valid exclusion, then you are a member of the Settlement Class.

It is important to note that, while the Settlements are only with JBS and Smithfield, the Settlement Class includes persons who purchased Pork products (as defined in the Settlement Agreement) from **any** of the Defendants or their co-conspirators. (The Court dismissed Indiana Packers Corporation from this lawsuit with prejudice, but if you purchased Pork directly from Indiana Packers between January 1, 2009, and January 12, 2021, you may be a member of the Settlement Class.)

## THE BENEFITS OF THE SETTLEMENT AGREEMENTS WITH JBS AND SMITHFIELD

### 5. What do the Settlements with JBS and Smithfield provide?

The final approved amount of the JBS settlement is \$24,500,000 and the Smithfield settlement is \$77,364,300. The final Smithfield settlement amount included a reduction based on the amount of Pork purchases by persons who excluded themselves from the Settlement. Collectively, the final total of the JBS and Smithfield Settlements is \$101,864,300. In addition to these monetary benefits, JBS and Smithfield have also agreed to provide specified cooperation in the Direct Purchaser Plaintiffs' continued prosecution of the litigation.

A portion of the Settlement Proceeds has been and will be used by the Settlement Administrator for notice and claims administration costs. A portion of the Settlement Proceeds will also be used to pay attorneys' fees, litigation expenses, and incentive awards that the Court chooses to award. Plaintiffs and Interim Co-Lead Counsel will file a motion by [REDACTED], 2022, in which they will seek amounts not to exceed 33⅓% of the Settlement Proceeds in attorneys' fees, \$5 million in current and ongoing litigation expenses, and \$25,000 in service awards for each of the 5 Plaintiffs (\$125,000 total) who are serving as Class Representatives. A copy of the motion for attorneys' fees, reimbursement of litigation expenses, and service awards will be available on the Settlement Website. The remainder of the Settlement Proceeds will be distributed to Settlement Class Members who submit a timely and valid Claim Form and who have not excluded themselves from the Settlements on a *pro rata* basis pursuant to their verified Pork purchases during the Settlement Class Period.

### 6. How much will my payment from the Settlements be?

To be eligible to receive a payment from the Settlements, you must complete and submit a timely Claim Form by [REDACTED], 2022. The instructions for submitting a claim are set forth in the attached Claim Form and Question 7 below.

The amount received from the Settlements by a qualified claimant will be based on a number of factors, including the number of Settlement Class Members who have filed valid claims and the amount of approved Pork purchases by each participating Settlement Class Member during the Settlement Class Period. No matter how many claims are filed, no amount of the Settlement Proceeds will be returned to the Settled Defendants.

In accordance with the Settlement Agreements, the combined Settlement Proceeds, minus Court-approved attorneys' fees, litigation expenses, and any class representative service awards and settlement administration and notice expenses (the "Net Settlement Fund"), will be distributed to Settlement Class Members on a *pro rata* basis based on the amount of approved Pork purchases by each participating Settlement Class Member.

The distribution plan, to be approved by the Court at a later date, will determine the *pro rata* amount, if any, that each Settlement Class Member will receive. The anticipated distribution plan for the Settlements is to make a *pro rata*

distribution to each qualifying Settlement Class Member based on the dollar value of approved purchases of Pork per Settlement Class Member during the Settlement Class Period.

## HOW YOU GET A PAYMENT FROM THE SETTLEMENTS

### 7. How can I file a Claim to get a payment from the Settlements?

To be eligible to receive a payment from any of the Settlements, you must complete and submit a timely Claim Form by [REDACTED], 2022. Submit your Claim Form online at [www.porkantitrustlitigation.com](http://www.porkantitrustlitigation.com), by [REDACTED], 2022. Or fill out the Claim Form and mail it to the address below, postmarked no later than [REDACTED], 2022. If you do not submit a valid Claim Form by the deadline, you will not receive a payment from any of the Settlements, but you will be bound by the Court's judgment in these actions.

Your Claim Form is attached and is pre-populated to reflect the amount of your Pork purchases from each Defendant, based on a review of Defendants' records. You may use your personal Access Code listed on your Claim Form to log in at [www.porkantitrustlitigation.com](http://www.porkantitrustlitigation.com), where you can submit a claim and review your purchase information electronically. You can accept the purchase amounts that are pre-populated or, if you disagree with or want to supplement those amounts, you can provide additional purchase information by completing the Purchase Audit Request form posted on the Settlement Website and providing supporting documentation. All revised Pork purchaser amounts will be subject to a review process by the Settlement Administrator, Interim Co-Lead Counsel, and ultimately the Court.

You can also request that a Claim Form be sent to you by visiting the Settlement Website or by sending a written request to the Settlement Administrator by mail: Pork Antitrust Litigation, c/o A.B. Data, Ltd., P.O. Box 173117, Milwaukee, WI 53217; or by email: [info@porkantitrustlitigation.com](mailto:info@porkantitrustlitigation.com).

If you received multiple Claim Forms, you must submit each one or take other steps to ensure that all of the purchases reflected in the Claim Forms are accounted for in your submission.

If you have questions regarding your Claim Form or participating in the Settlements, contact Interim Co-Lead Counsel or the Settlement Administrator using the contact information set forth in Question 11 herein.

### 8. When will I get a payment from the Settlements?

Payments from the Settlements will be distributed once all of the claims are processed, any claim disputes are resolved, the Court approves the distribution plan, and any related issues are resolved. It is uncertain when this process will be completed. Settlement updates will be provided on the Settlement Website at [www.porkantitrustlitigation.com](http://www.porkantitrustlitigation.com) or may be obtained by contacting the Settlement Administrator by phone toll-free at 1-866-797-0864. Please be patient.

### 9. What happens if I do nothing at all?

If you do nothing, you will not get a payment from the JBS or Smithfield Settlements.

## THE LAWYERS REPRESENTING YOU AND HOW THEY WILL BE PAID

### 10. Do I have a lawyer in this case?

The Court has appointed Lockridge Grindal Nauen P.L.L.P. and Pearson, Simon & Warshaw, LLP as Interim Co-Lead Counsel for the Settlement Class. Their contact information in Question 11 below. If you wish to remain a member of the Settlement Class, you do not need to hire your own lawyer because Interim Co-Lead Counsel is working on your behalf.

### 11. How will the lawyers be paid?

You will not have to pay any attorneys' fees or costs out-of-pocket. Interim Co-Lead Counsel will file a motion by [REDACTED], 2022 in which they will seek amounts not to exceed 33⅓% of the Settlement Proceeds in attorneys' fees, \$5 million in current and ongoing litigation expenses incurred in the prosecution of this case, and \$125,000 total in service awards for the Class Representative Plaintiffs. A copy of the motion for interim payment of attorneys' fees, reimbursement of litigation expenses, and service awards will be available on the Settlement Website as of [REDACTED], 2022 and on the Court docket. The Court will determine the amount of the attorneys' fees, reimbursement of litigation expenses, and Class Representative service awards to be paid.

If you wish to object to or comment on the motion for attorneys' fees, litigation expenses, or service awards, you must send a letter or other written statement by [REDACTED], 2022. Be sure to include your full name, the name of your business that purchased Pork, current mailing address, and email address. Your communication must be signed. You may include or attach any documents that you would like the Court to consider. Do not send your written objection to the Court or the judge. Instead, mail the objection to the Settlement Administrator, Interim Co-Lead Counsel, and the addresses listed below.

**Settlement Administrator:**

Pork Antitrust Litigation  
ATTN: OBJECTIONS  
c/o A.B. Data, Ltd.  
P.O. Box 173001  
Milwaukee, WI 53217

**Direct Purchaser Plaintiffs'  
Co-Lead Counsel:**

W. Joseph Bruckner  
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**12. When and where will the Court decide the motion for attorneys' fees, costs, and service awards?**

The Court will hold a hearing on the motion for interim payment of attorneys' fees, reimbursement of litigation expenses, and class representative service awards (the "Hearing") on [REDACTED], 2022, at [REDACTED] .m., at the United States District Court for the District of Minnesota, Courtroom 15, 300 South Fourth Street, Minneapolis, MN 55415. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the Hearing. Pursuant to any applicable orders relating to the COVID-19 emergency or otherwise, the Hearing may take place remotely, including via telephone or video conference. The Court may also move the Hearing to a later date without providing additional notice to the Settlement Class. Updates will be posted to the Settlement Website regarding any changes to the Hearing date or conduct of the Fairness Hearing. If you send a comment or objection, you do not have to attend the Hearing to talk about it. As long as you mailed your written objection on time, the Court will consider it. However, you are welcome to attend the Hearing at your own expense. You may also pay your own lawyer to attend, but it is not necessary.

**13. May I speak at the hearing?**

You may ask to speak at the Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *In re Pork Antitrust Litigation*." Be sure to include your name, including the name of your business which purchased Pork, current mailing address, telephone number, and signature. Your Notice of Intention to Appear must be postmarked no later than [REDACTED], 2022 and it must be sent to the Clerk of the Court and Interim Co-Lead Counsel. The address for the Clerk of the Court is: 300 South Fourth Street, Courtroom 15, Minneapolis, MN 55415. The addresses for Interim Co-Lead Counsel are provided in Question 11.

**GETTING MORE INFORMATION****14. How do I get more information about the Settlements?**

This notice summarizes the Settlements and claims process. More details are on the Settlement Website. You can find other important documents and information about the current status of the litigation by visiting [www.PorkAntitrustLitigation.com](http://www.PorkAntitrustLitigation.com). You may contact the Settlement Administrator at [info@PorkAntitrustLitigation.com](mailto:info@PorkAntitrustLitigation.com) or toll-free at 1-866-797-0864. You may also contact Interim Co-Lead Counsel at the addresses, phone numbers, and email addresses provided in Question 11.

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.**